

ORIGINAL

(59)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

7/17/02
vh

Emanuel Thomas Newman,
Plaintiff,

-Vs-

Ronald L. Jury, et. al.,
Defendant,

Civil no. 1:CV-01-0677

(Judge Rambo)

FILED
HARRISBURG, PA

JUL 16 2002

MARY E. D'ANDREA, CL
Per _____
Deputy Clerk

**PLAINTIFF'S SUPERSEDING MOTION FOR ENLARGEMENT OF TIME TO
RESPOND TO THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Comes Now, Emanuel Thomas Newman, plaintiff pro-se, and moves this court for an enlargement of time to respond to the defendant's summary judgement motion.

In support thereof, plaintiff would state the following to the court:

- 1) That this court has in a prior order dated April 5, 2002 granted this plaintiff an enlargement of time to complete his discovery and file his dispositive motion if any.
- 2) Furthermore, said enlargement of time was until June 20, 2002 to have all dispositive motions filed.
- 3) On June 21, 2002, plaintiff called the clerk of the court in the middle district of Pennsylvania, and inquired as to whether or not the defendant's had filed a dispositive motion in the clerk's office. Plaintiff was informed that the defendant's had in fact filed their motion for summary judgement.

4) By June 27, 2002, plaintiff still had not been served his copy of the motion or brief.

5) On July 2, plaintiff, contacted the clerk of the court for the third time and stated that I had not received service of the defendant's summary judgment motion or their brief. The clerk stated that she would send the plaintiff a copy.

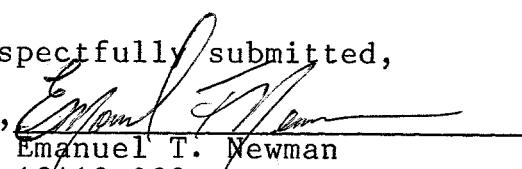
6) On July 9, 2002, this plaintiff received both the motion for summary judgment and the brief, that had been mailed by the defendant's.

7) Plaintiff would point out to the court that the defendant's didn't mail his copy of their **summary judgment motion** until July 2, 2002, even though they filed it with the court on June 20, 2002. They mailed the brief in support on the same day.

Therefore, plaintiff would move the court to disregard his first request for an enlargement of time in which to respond, in which he requested a 30 day enlargement of time. That amount of time is unnecessary. Plaintiff would move this court for a 15 day enlargement of time from the date upon which the defendant's mailed their motion for summary judgement and brief. Thereby making plaintiff's response if any due on July 18, 2002.

Respectfully submitted,

By,

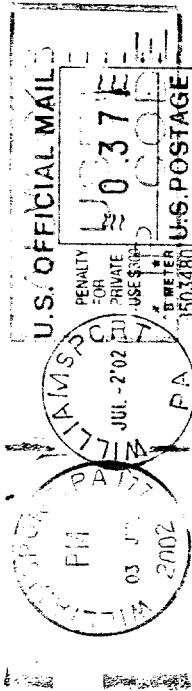

Emanuel T. Newman
13418-039
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Date: July 11, 2002

U.S. Department Of Justice

United States Attorney
Middle District of Pennsylvania
Herman T. Schneebeli Federal Building, Suite 316
240 West Third Street
Williamsport, Pennsylvania 17701-6465

Official Business
Penalty for Private Use \$300



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DC 1

Received 4:30
mail call 7-9-02

MOTION



BRIEF

U.S. DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

EMANUEL THOMAS NEWMAN
PLAINTIFF,

VS.

RONALD L. JURY, Lt., SIS,
ET AL.,
DEFENDANT.

Civil No.: 1:CV-01-0677

(Rambo, Judge)

CERTIFICATE OF SERVICE

The undersigned Plaintiff hereby certifies that pursuant to 28 U.S.C. § 1746, the following is true:

That I, Emanuel Thomas Newman, have placed sufficient postage for First Class Mailing to all the Defendant's via their attorney, - upon who I am serving all documents. (Enlargement of time motion)

This 11th day of July, 2002.

By: Emanuel Thomas Newman

Emanuel Thomas Newman 13418-039
P.O. Box 5000
Pekin, IL 61555-5000

COPIES TO:

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U.S. District Court
228 Walnut Street
Harrisburg, PA 17108